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26 and ENVIRONMENTAL PROTECTION INFORMATION CENTER

27 UNITED STATES DISTRICT COURT

28 NORTHERN DISTRICT OF CALIFORNIA

29 CALIFORNIANS FOR ALTERNATIVES TO
30 TOXICS, a California non-profit corporation
31 and THE ENVIRONMENTAL PROTECTION
32 INFORMATION CENTER, a California non-
33 profit corporation

34 Plaintiffs,

35 vs.

36 EVERGREEN PULP, INC.,

37 Defendant.

38 Case No. C 06 0002 EDL

39 **STIPULATED ORDER EXTENDING
40 TIME TO FILE MOTIONS TO
41 COMPEL DISCOVERY**

1 Plaintiffs Californians for Alternatives to Toxics and The Environmental Protection
 2 Information Center (“plaintiffs”) and defendant Evergreen Pulp, Inc. (“Evergreen”) hereby
 3 stipulate as follows:

4 1. Through a process of meeting and conferring, the parties have agreed to resolve a
 5 dispute regarding the appropriate scope of document discovery sought by plaintiffs. Plaintiffs
 6 have agreed to limit their remaining requests for documents to the following:

- 7 A. Contracts between Evergreen and its customers for the sale of pulp
- 8 B. Documents pertaining to investigations Evergreen conducted prior to acquiring
 9 control of the Samoa pulp mill on January 21, 2005 to determine the extent of the
 10 pulp mill’s compliance with air emissions limitations applicable to the mill’s smelt
 11 dissolver and lime kiln.
- 12 C. Documents pertaining to Evergreen’s consideration and evaluation of technologies,
 13 methodologies, and approaches to reduce smelt dissolver emissions in light of
 14 unsuccessful source tests on that unit. “Approaches” includes consideration of
 15 operations, limits on production and mill shut down as well as equipment,
 16 technological, and maintenance fixes.
- 17 D. Evergreen’s settlement negotiations with the federal Environmental Protection
 18 Agency (“EPA”), the U.S. Department of Justice, and state and local air pollution
 19 control agencies that concern Findings of Violation the EPA issued to Evergreen in
 20 2005 and 2006.

21 2. Subject to Entry of this stipulated order, Evergreen has agreed to produce to
 22 plaintiffs non-privileged documents that are responsive to categories 1.A through 1.C, above on
 23 or before January 5, 2006. Evergreen asserts that documents responsive to category 1.D, above,
 24 are privileged. Evergreen has also agreed to provide a privilege log, by the same date, for all
 25 documents in the foregoing categories 1.A through 1.D that it asserts are privileged.

26 3. In addition, as to the following categories of documents, in its responses to
 27 plaintiffs’ written document requests and/or in writing in the parties’ meet and confer process,
 28 Evergreen has asserted either 1.) That it has provided plaintiffs with all unprivileged documents
 in its possession, custody or control; or 2.) That there are no unprivileged documents in its

1 possession, custody or control that are responsive to plaintiffs' discovery requests.

- 2 a. Documents constituting any written agreement between Evergreen and the North
3 Coast Unified Air Quality Management District regarding pulp production limits as
4 a way to avoid Prevention of Significant Deterioration ("PSD") review.
- 5 b. Documents responsive to Request No. 10 in Plaintiffs' Second Set of Requests for
6 Production of Documents.
- 7 c. Documents responsive to Request No. 11 in Plaintiffs' Second Set of Requests for
8 Production of Documents.
- 9 d. Documents responsive to Request No. 12 in Plaintiffs' Second Set of Requests for
10 Production of Documents.
- 11 e. Documents responsive to Request No. 13 in Plaintiffs' Second Set of Requests for
12 Production of Documents.
- 13 f. Engineering drawings and narrative and/or technical descriptions of the spray
14 pretreatment curtain installed by Evergreen in 2005 upstream of the smelt dissolver
15 scrubber.

16 4. Pursuant to the court's case management order, the last day for the parties to file
17 motions to compel discovery was December 18, 2006.

18 5. Plaintiffs seek extra time to complete the meet and confer process without being
19 rushed into filing a potentially unnecessary motion to compel discovery responses. Subject to the
20 terms of this stipulation, Evergreen has agreed to produce additional documents as described in
21 paragraph 1 and a supplemental privilege log as described in paragraph 2, and to agree to extend
22 plaintiffs time to move to compel with respect to that agreement as well as with respect to
23 categories of documents described in paragraph 3.

24 6. The parties therefore stipulate and agree that the deadline for a party to file a
25 motion to compel further responses to document requests should be extended to January 12, 2007.
26 This stipulation applies only to those documents described in paragraphs 1 and 3, and the related
27 privilege logs, above.

28 7. The grounds for the requested order are set forth in the accompanying declaration
of William Verick.

1 8. This is the fourth amendment that has been requested by a party in this action.
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5 IT IS SO STIPULATED.
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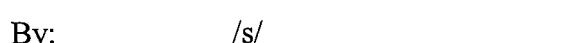
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10 Dated: December 21, 2006
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KLAMATH ENVIRONMENTAL LAW
CENTER

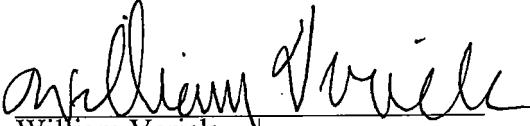
13 By: 
14 WILLIAM VERICK, Attorney for
15 Plaintiffs

16 Dated: December 21, 2006
17
18

EVERGREEN PULP, INC.

19 By: 
20 David D. Cooke,
21 Attorney for Defendant

22
23 Attestation Regarding Signature: This document is being filed electronically under my
24 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that
25 concurrence in this filing of this document has been obtained by the other signatory to this
document. I declare under penalty of perjury under the laws of the United States that the foregoing
is true and correct. Executed December 21, 2006 at Eureka, California.

26 
27 William Verick
28

29 PURSUANT TO STIPULATION, IT IS SO ORDERED

30 DATED: December 22, 2006
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